

SECOND REGULAR SESSION

# SENATE BILL NO. 927

94TH GENERAL ASSEMBLY

---

---

INTRODUCED BY SENATORS GREEN AND CALLAHAN.

Read 1st time January 10, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

3366S.011

---

---

## AN ACT

To repeal sections 285.025 and 290.560, RSMo, and to enact in lieu thereof two new sections relating to employment of unqualified labor, with penalty provisions.

---

---

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 285.025 and 290.560, RSMo, are repealed and two new  
2 sections enacted in lieu thereof, to be known as sections 285.025 and 290.560, to  
3 read as follows:

285.025. 1. The state of Missouri hereby proclaims that no employer who  
2 employs [illegal] **unauthorized** aliens shall be eligible for any  
3 state-administered or subsidized tax credit, tax abatement or loan from this state,  
4 **and that no one shall employ or subcontract with any unauthorized**  
5 **alien on any publicly financed project.** The director of each agency  
6 administering or subsidizing a tax credit, tax abatement or loan pursuant to  
7 chapter 32, 100, 135, 253, 447 or 620, RSMo, shall place in such agency's criteria  
8 for eligibility for such credit, abatement, exemption or loan a signed statement  
9 of affirmation by the applicant that such applicant employs no [illegal]  
10 **unauthorized** aliens. Any individual, individual proprietorship, corporation,  
11 partnership, firm or association that is found by the director of the agency  
12 administering the program to have negligently employed an [illegal]  
13 **unauthorized** alien in this state shall be ineligible for any state-administered  
14 or subsidized tax credit, tax abatement or loan pursuant to chapter 32, 100, 135,  
15 253, 447 or 620, RSMo, for five years following such determination; provided,  
16 however, that the director of the agency administering such credit, abatement,  
17 exemption or loan may, in the director's discretion, elect not to apply such  
18 administrative action for a first-time occurrence. Any person, corporation,

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 partnership or other legal entity that is found to be ineligible for a  
20 state-administered or subsidized tax credit, tax abatement, or loan pursuant to  
21 this subsection may make an appeal with the administrative hearing commission  
22 pursuant to the provisions of chapter 621, RSMo. "Negligent", for the purposes  
23 of this subsection means that a person has failed to take the steps necessary to  
24 comply with the requirements of 8 U.S.C. 1324a with respect to the examination  
25 of an appropriate document or documents to verify whether the individual is an  
26 unauthorized alien.

27         2. Beginning August 28, 1999, any individual, individual proprietorship,  
28 corporation, partnership, firm or association that knowingly accepts any  
29 state-administered or subsidized tax credit, tax abatement or loan in violation of  
30 subsection 1 of this section shall upon conviction be guilty of a class A  
31 misdemeanor, and such action may be brought by the attorney general in Cole  
32 County circuit court. **Beginning August 28, 2008, in addition to all other**  
33 **penalties in this section, violators of this section shall be fined fifty**  
34 **dollars per individual unauthorized alien per day during which each**  
35 **individual unauthorized alien was employed or subcontracted with, and**  
36 **the violator shall not be eligible to bid on any publicly financed project**  
37 **submitted for bids for the ten years immediately following the last**  
38 **violation.**

290.560. 1. Whenever there is a period of excessive unemployment in this  
2 state, every person who is charged with the duty, either by law or contract, of  
3 constructing or building any public works project or improvement for the state or  
4 any political subdivision, municipal corporation or other governmental unit  
5 thereof shall employ only Missouri laborers and laborers from nonrestrictive  
6 states on such project or improvement, and every contract let by any such person  
7 shall contain a provision requiring that such labor be used, except that other  
8 laborers may be used when Missouri laborers or laborers from nonrestrictive  
9 states are not available, or are incapable of performing the particular type of  
10 work involved, if so certified by the contractor and approved by the contracting  
11 officer.

12         2. **Any person who violates the provisions of subsection 1 of this**  
13 **section shall forfeit as a penalty to the state, county, city, town, district,**  
14 **or other political subdivision on whose behalf the contract is made or**  
15 **awarded ten dollars for each nonqualifying laborer employed, for each**  
16 **calendar day or portion thereof, and the public body awarding the**

17 **contract shall, when making payments to such person under that**  
18 **contract, withhold and retain all amounts due and owing as a result of**  
19 **such violation.**

✓

Unofficial

Bill

Copy